UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,749	03/31/2000	Peter A. Balkus	A0521/7189	9372

			EXAMINER
26643	7590	10/28/2003	VAUGHN, GREGORY J

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ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE f this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 March 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

1.   This action is responsive to the application filing, Application filed on 3/31/2000.

2.   Claims 1-24 are pending in the case, claims 1, 6, 8, 9, 12, 15, 20, 21 and 22 are independent claims.

Drawings

3.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- *"Figs. 6a and 6B"* recited in line 31 on page 8. Figures 6A and 6B are not included in the drawing sheets.

- *"1120"* recited on lines 27 and 31 of page 17, and lines 2 and 3 of page 18 in reference to Figure 11B.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- "8606" in Figure 8F

- "1002" in Figure 10

- "1004" in Figure 10

- "112" in Figure 11B

- "13" in Figure 13

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5.   The disclosure is objected to because of the following informalities:

- The disclosure recites "*Figs. 6A and 6B*" in line 31 of page 8, but Figures 6A and 6B are not included in the drawing sheets.

- The disclosure recites "*After receiving 8504 the indication*" in line 27 of page 13, but reference sign 8504 in Figure 8E is directed toward a rendering step.

- The disclosure recites "*is instructed 8506 to render*" in line 28 of page 13, but reference sign 8506 in Figure 8E is directed toward a scaling step.

- The disclosure recites "*is then scaled 8508*" in line 28 of page 13, but reference sign 8508 in Figure 8E is directed toward a displaying step.

- The disclosure recites "*Real Media encoder 1120*" in line 27 of page 17 (and repeated in line 31 of page 17 and in lines 2 and 3 of page 18), but

although Figure 11B discloses a *"Real Media Encoder"* the reference sign

used in the figure is *"112"*.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

7.   Claims 1-7, 9-20 and 22-24 are rejected under 35 U.S.C. 102(b) as being

anticipated by Escobar et al. US Patent 5,659,793 (filed 12/22/1994, patented

8/19/1997). *"Escobar et al."* is hereafter referred to as *"Escobar"*.

8.   **In regard to independent claim 1,** the claim recites:

"A multimedia authoring system, comprising:

- *a graphical user interface for enabling a user to interactively author a presentation using a timeline comprising one or more first tracks for temporal media and one or more second tracks for nontemporal media, and for specifying a layout indicating an association of each of the one or more first tracks and one or more second tracks with a display location;*

- *a viewer having access to the timeline and layout and having an output providing display information for displaying the temporal media and the nontemporal media combined according to the timeline and the layout, for each of one or more specified times along the to timeline; and*

- *an encoder having access to the timeline and the layout and having an output for providing a streaming media presentation containing the*

temporal media and events associated with references to the nontemporal media combined according to the timeline and the layout."

The first limitation of the claim is directed toward a visual authoring system for combining temporal and nontemporal media using a timeline and a layout editor. The application defines temporal and nontemporal media as *"temporal media, such as video, audio and computer-generated animation, and nontemporal media, such as still images, text, hypertext documents etc."* (page 4, lines 12-14). Escobar anticipates the limitation. Escobar discloses a graphical user interface (GUI), with a layout editor, timelines, audio and video tracks (temporal media), and program objects track (nontemporal media) (see Figure 1).

The second limitation of the claim is directed toward a viewer of the authored multimedia of the first limitation. Escobar anticipates the limitation. Escobar recites *"Button 174 permits part or all of an application under development to be run and displayed at a location specified, typically in the Display/Edit Window 100, so that the impact of the decisions made in editing of a portion or all of an application may be viewed under run time conditions"* (column 6, lines 41-45).

The third limitation of the claim is directed toward an encoder that compiles the temporal and nontemporal media into a presentation according to the layout and timeline. Escobar anticipates the limitation. Escobar recites *"the objects can be combined and only the combined integrated final application can be sent as a live program"* (column 20, lines31-33).

9.   **In regard to dependent claim 2**, the claim recites:

"The multimedia authoring system of claim 1, further comprising a transfer tool for transferring one or more files including the streaming media presentation to a first streaming media server and one or more data files including the nontemporal media to a second server."

The claim is directed toward transferring the authored multimedia presentation to a server and the supporting data files to a second server. Escobar anticipates the claim. Escobar discloses multiple servers managing multimedia and data files (together and separately) in Figure 13. Escobar further recites *"The IDL is stored as an application at 5565 and the process returns to the main routine"* (column 1, lines 44-45).

10.   **In regard to dependent claim 3**, the claim recites:

"The multimedia authoring system of claim 2, wherein the encoder confirms availability of the data files before encoding the presentation."

The claim is directed toward a step that checks for the availability of components that the multimedia presentation is dependent. Escobar anticipates the claim. Escobar recites *"When an IDL is executed, the DET takes the items on the list in order and requests the objects specified by the list item by sending a request over the network to the server"* (column 20, lines 16-19).

11.   **In regard to dependent claim 4**, the claim recites:

"The multimedia authoring system of claim 2, further comprising means for previewing the streaming media presentation from the first streaming media server."

The claim is directed toward a preview step. Escobar anticipates the claim. Escobar recites *"the server controls a retrieval of objects and the assembly of those*

objects into a program which is then delivered to the end user for display at 1130"

(column 20, lines 38-41).

12.   **In regard to dependent claim 5**, the claim recites:

> *"The multimedia authoring system of claim 2, further comprising means for previewing the streaming media presentation before transferring of the streaming media presentation by the transfer tool."*

The claim is directed toward a specific ordering of steps, where the multimedia presentation is previewed before transfer. Escobar anticipates the claim. Escobar discloses transferring and previewing (see above). Escobar discloses previewing prior to transferring in "The module is then tested (425) and reviewed by the developer or customer for acceptance (430). Once the object is moved to production in the authoring tool (435), installed in the correct bin (440) and an appropriate icon attached (445), it is ready for use as desired (450) by the non-programmer" (column 8, lines 62-67).

13.   **In regard to independent claim 6**, the claim recites:

> *"A graphical user interface comprising:*
>
>   - *a timeline comprising one or more first tracks for temporal media and one or more second tracks for nontemporal media, including a table of contents track, wherein the nontemporal media includes one or more elements comprising one or more characters, each associated with a point in time on the table of contents track; and*
>   - *a display window in which the temporal media and nontemporal media are displayed with timing defined by the timeline, and wherein selection of the displayed characters of the one or more elements in the table of contents track initiates display of the temporal and nontemporal media from the point in time of the element."*

One of the limitations of claim 6 is directed toward the *"table of contents track"*. All other limitations of claim 6 contain substantially the same subject matter as claim 1, and are rejected with the same rational as claim 1. Escobar anticipates the *"table of contents track"* limitation. Escobar recites *"At least one interactive object track 160 should be included"* (column 6, lines 26-28).

14.   **In regard to dependent claim 7**, the claim contains substantially the same subject matter as claim 1, and is rejected with the same rational.

15.   **In regard to independent claims 9 and 12**, the claims contains substantially the same subject matter as claim 1, and are rejected with the same rational.

16.   **In regard to dependent claims 10 and 13**, the claims contains substantially the same subject matter as claim 1, and are rejected with the same rational.

17.   **In regard to dependent claims 11 and 14**, the claims contains substantially the same subject matter as claim 1, and are rejected with the same rational.

18.   **In regard to independent claim 15**, the claim contains substantially the same subject matter as claims 1, 3 and 5 combined, and is rejected with the same rational.

19.   **In regard to dependent claim 16**, the claim contains substantially the same subject matter as claim 4, and is rejected with the same rational.

20.   **In regard to dependent claim 17**, the claim contains substantially the same subject matter as claim 5, and is rejected with the same rational.

21.　**In regard to dependent claim 18**, the claim recites:

> *"The method of claim 15, further comprising setting up a profile indicating account access information, a pathname for reading, a pathname for writing for each of the first and second servers and associated with a name."*

The claim is directed toward the use of a user profile to affect the presentation of the media presentation. Escobar anticipates the claim. Escobar recites *"FIGS. 15 and 16 illustrate two examples of interactive objects which might be invoked by a user. In a program in which an audio channel 1501 might be paralleled by a text channel 1502 containing the ASCII text of the material in the audio channel, (e.g., closed captioned for the hearing impaired)"* (column 21, line 63 to column 22, line 1).

22.　**In regard to dependent claim 19**, the claim contains substantially the same subject matter as claims 1 and 18 combined, and is rejected with the same rational.

23.　**In regard to independent claim 20**, the claim contains substantially the same subject matter as claims 1 and 2 combined (with one exception), and is rejected with the same rational. Claim 20 contains a limitation not previously discussed. That limitation is:

> *"wherein the authoring tool has an association with a service that provides the streaming media server."*

Escobar anticipates the limitation. Escobar recites *"FIG. 12 shows an extension of the arrangement of FIG. 11 in which a personal computer 1240 is connected to the DET 1220 over the data port. In this configuration, it is possible to run the full authoring tool development engine on personal computer 1240"* (column 20, lines 42-46).

24.   **In regard to dependent claim 22**, the claim contains substantially the same

subject matter as claims 1 and 2 combined, and is rejected with the same rational.

25.   **In regard to dependent claims 23 and 24**, the claims contains substantially the

same subject matter as claim 2, and are rejected with the same rational.

26.   Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Ferrel et al.

US Patent 6,230,173 (filed 7/17/1995, patented 5/8/2001). *"Ferrel et al."* is hereafter

referred to as *"Ferrel"*.

27.   **In regard to independent claim 21**, the claim recites:

> *"A system for providing a service to authors for creating and publishing multimedia presentations, accessible remotely by an authoring tool capable of transferring data between the authoring tool and the system, comprising:*
>
> - *an account management system enabling multiple users to register, each with a username and password and billing information;*
> - *a server including computer readable storage media having storage space allocated for each of the registered users, for publishing multimedia presentations for access through a publicly accessible computer network;*
> - *a media publication management system for interacting with the authoring tool to enable transfer of streaming media from multimedia presentations from the authoring tool to the server; and*
> - *a media access management system accessible by each registered user and enabling each registered user to transfer multimedia data from the system to the authoring tool for use in a multimedia presentation."*

The preamble of the claim is directed toward a remote authoring service for

multimedia presentations having data transfer capabilities. Ferrel anticipates the

preamble. Ferrel recites *"The preferred embodiment of the environment uses an*

enhanced version of Microsoft Word to create Multimedia Document Files (MDF).

These multimedia files are then used to provide content for displayed on-line titles as discussed below for a Multimedia Publishing System (MPS)" (column 3, lines 40-42) and *"publishing structured documents in a computer network comprising publisher, server and customer computers comprising creating tagged content, storing a plurality of tagged objects representative of the tagged content in a document in the publisher computer"* (column 8, lines 2-13).

The first limitation of the claim is directed toward account management of the multimedia authoring service. Ferrel anticipates the limitation. Ferrel recites *"The host data center 104 also includes a number of administrative servers 258. The administrative servers 258 perform administrative functions such as accounting, billing"* (column 13, lines 1-5).

The second limitation of the claim is directed toward multimedia storage space on a service provided server. Ferrel anticipates the limitation. Ferrel discloses a *"Host Data Center"* with multimedia data storage in Figure 5.

The third limitation of the claim is directed toward the transfer of media data. Ferrel anticipates the claim. Ferrel discloses the transfer of media data from author to server to consumer in Figure 11.

The forth limitation of the claim is directed toward transferring multimedia data. This limitation contains substantially the same subject matter as the preamble, and is rejected with the same rational.

28.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

*(a) the invention was known or used by others in this country, or patented or
described in a printed publication in this or a foreign country, before the invention
thereof by the applicant for a patent."*

29.   Claim 8 is rejected under 35 U.S.C. 102(a) as being anticipated by Bergman et

al. US Patent 6,564,563 (filed 12/3/1999, patented 5/13/2003). *"Bergman et al."* is

hereafter referred to as *"Bergman"*.

30.   **In regard to independent claim 8**, the claim recites:

"A multimedia presentation comprising:

- *a plurality of streaming media presentations created using a timeline
comprising one or more first tracks for temporal media and one or more
second tracks for nontemporal media, wherein each of the streaming
media presentations has an event in the one or more second tracks to
initiate playback of a subsequent one of the streaming media
presentations; and*

- *a document in a markup language including hyperlinks to each of the
plurality of streaming media presentations."*

The first limitation of the claim is directed toward multiple media presentations

created with a timeline and both temporal and nontemporal media, where one media

presentation activates another media presentation. Bergman anticipates the

limitation. Bergman discloses temporal and nontemporal media in Figure 4.

Bergman discloses a timeline in Figure 6. Figure 6 also discloses multiple media

objects, where the media objects are related and activate each other at various time

points along the time line.

The second limitation is directed toward a markup language document that controls the multiple media presentations. Bergman anticipates the limitation. Bergman discloses markup language control of media objects in Figure 11.

Conclusion

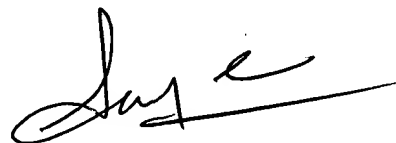31.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Nakamura et al.   US Patent 5,767,846   Filed 10/10/1995
- Ferrel et al.   US Patent 5,860,073   Filed 7/17/1995
- Boezeman et al.   US Patent 5,889,514   Filed 3/29/1996
- Hermanson   US Patent 5,892,506   Filed 3/18/1996
- Moorby et al.   US Patent 5,892,507   Filed 8/12/1996
- Davis et al.   US Patent 5,969,716   Filed 8/6/1996
- Gill et al.   US Patent 6,081,262   Filed 12/4/1996
- Ferrel et al.   US Patent 6,199,082   Filed 7/17/1995
- Davis et al.   US Patent 6,243,087   Filed 9/28/1999
- Matsuzawa et al.   US Patent 6,262,723   Filed 11/27/1998
- Matsuzawa et al.   US Patent 6,330,004   Filed 11/27/1998
- Burkett et al.   US Patent 6,476,828   Filed 5/28/1999
- Greenfield et al.   US Patent 6,544,294   Filed 5/27/1999

32.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Gregory J. Vaughn
October 15, 2003

SANJIV SHAH
PRIMARY EXAMINER